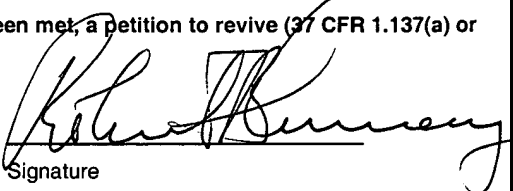


RECEIVED 02 MAR 2006

FORM PTO-1390		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 3165-138
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. Application No. (if known) 10/553,153
INTERNATIONAL APPLICATION NO. PCT/EP2004/003873	INTERNATIONAL FILING DATE April 13, 2004	PRIORITY DATE CLAIMED April 14, 2003	
TITLE OF INVENTION AN AQUEOUS, FLOWABLE CONCENTRATE COMPOSITION OF PENDIMETHALIN			
APPLICANT(S) FOR DO/EO/US Andrew GOLDSMITH			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ul style="list-style-type: none">1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 3712. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input type="checkbox"/> The US has been elected (Article 31).5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ul style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ul style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ul style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
ITEMS 11. TO 20. below concern other document(s) or information included:			
<ul style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A third preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.82518. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).			

U.S. APPLICATION NO. (If known) 10/553,153	INTERNATIONAL APPLICATION NO. PCT/EP2004/003873	ATTORNEY DOCKET NO. 3165-138				
20. <input type="checkbox"/> Other items or information:						
21. The following fees are submitted: <input type="checkbox"/> Basic National Fee \$300.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; text-align: center;"><u>CALCULATIONS</u></td> <td style="width: 40%; text-align: center;"><u>PTO USE ONLY</u></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;">\$</td> <td></td> </tr> </table>	<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>	\$	
<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>					
\$						
22. <input type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; height: 40px; vertical-align: bottom;">\$</td> <td></td> </tr> </table>	\$			
\$						
23. <input type="checkbox"/> Search Fee If the written opinion of the ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 All other situations \$500.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; height: 40px; vertical-align: bottom;">\$</td> <td></td> </tr> </table>	\$			
\$						
TOTAL OF 21, 22 AND 23 =		\$				
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; height: 40px; vertical-align: bottom;">\$</td> <td></td> </tr> </table>	\$			
\$						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof				
- 100 =	/ 50 =	x 250				
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$				
Claims	Number Filed	Number Extra				
Total Claims	15 -20 =	X \$50.00				
Independent Claims	1 - 3 =	X \$200.00				
Multiple dependent claim(s) (if applicable)		+ \$360.00				
TOTAL OF ABOVE CALCULATIONS =		\$				
<input type="checkbox"/> Applicant claims small entity status. The fees indicated above are reduced by 1/2.		\$				
SUBTOTAL =		\$				
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+				
TOTAL NATIONAL FEE =		\$				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+				
TOTAL FEES ENCLOSED =		\$				
		Amount to be refunded				
		Amount to be New Application charged				

U.S. APPLICATION NO. (If known) 10/553,153	INTERNATIONAL APPLICATION NO. PCT/EP2004/003873	ATTORNEY DOCKET NO. 3165-138
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 02-2135 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <div><div><p>SEND ALL CORRESPONDENCE TO:</p><p>Customer No. 06449</p><p>Rothwell, Figg, Ernst & Manbeck</p><p>1425 K St., N.W.</p><p>Washington, D.C. 20005</p><p>Phone: 202/783-6040</p></div><div><p>Signature</p><p><u>Robert B. Murray</u></p><p>Name</p><p><u>22,980</u></p><p>Registration Number</p></div></div>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/553,153
Applicant : Andrew GOLDSMITH
Filed : February 7, 2006
TC/A.U. :
Examiner :

Docket No. : 3165-138
Customer No. : 6449
Confirmation No. :

THIRD PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following amendments before calculation of the filing fee and examination of the merits.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.